



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



**POLICY NUMBER**

**OPR:39**

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**SUBJECT: CRIMINAL INVESTIGATIONS**

**REVISION NO:**

**4**

## **1.0 PURPOSE**

The purpose of this policy is to ensure the efficient and effective management of the criminal investigative function by providing administrative guidance that identifies the responsibilities and investigative processes within the uniform and investigative components of the department.

## **2.0 POLICY**

It is the policy of the Department of Public Safety to manage the function of a criminal investigation in an effective and efficient manner by coordinating the efforts of uniform and other investigative organizational components as provided in this policy.

## **3.0 APPLICABILITY**

This policy is applicable to all commissioned employees of the Department of Public Safety.

## **4.0 REFERENCES**

- A. Rule 11-707 New Mexico Rules of Evidence – Polygraph Examinations**
- B. 31-18-17 – 31-18-20 NMSA 1978 – Habitual Offenders**
- C. 1.15.2 NMAC – General Records Retention and Disposition Schedules (GRRDS)**
- D. CALEA Chapter 42 - Criminal Investigations**

## **5.0 DEFINITIONS**

- A. Case Agent/Primary Investigating Officer** – The agent/officer assigned primary responsibility and accountability for an investigation.
- B. Criminal Investigation** – The objective collection of facts and information to determine whether a crime has been committed. If a crime is committed, the goal is to identify any offenders, collect and organize facts, information, and evidence in support of criminal prosecution.
- C. First Line Supervisor** – The immediate supervisor over the case agent/primary investigating officer in the chain of command.
- D. Investigations Bureau (IB)** – A bureau within the New Mexico State Police Division staffed by agents trained to conduct criminal investigations.

**6.0 PROCEDURE****A. Criminal Investigations**

1. Most investigations begin with a preliminary investigation conducted by the first responding officer, usually a uniformed officer. Depending on the nature and severity of the crime and complexity of the crime scene, a follow-up investigation conducted by agents from the Investigations Bureau may be initiated based on needed expertise. However, until an investigation is officially turned over to another officer/agent the first responding officer is responsible for the investigation and any follow-up unless a supervisor deems otherwise.
2. Preliminary investigation includes activities centered on the protection of persons, apprehension of suspects, and protection of the crime scene. During the preliminary investigation, and upon arrival at the scene, officers shall perform the following duties in accordance with state law and in the order and to the degree deemed appropriate, if applicable:
  - a. Observe the conditions of the scene and involved parties as well as the events occurring upon initial arrival. Note any remarks made by parties at that time.
  - b. Notify the police Telecommunications Center concerning injured parties and any dangerous conditions present, and request appropriate medical assistance and additional equipment, services, or personnel, as needed.
  - c. Assist the injured pending arrival of EMS personnel. An officer may be assigned to accompany the victim or the suspect to the hospital, remaining with him/her to record information about the incident.
  - d. Determine if a crime was committed.
  - e. Locate, identify, and conduct documented interviews of reporting party, suspects, victims, and witnesses.
  - f. Establish a crime scene perimeter and secure the crime scene to protect it against alterations due to weather or other potential contamination.
  - g. If further assistance is needed, a supervisor shall contact an IB supervisor and discuss the incident.
  - h. Process crime scene for evidence or request additional assistance with evidence processing if beyond the officer's level of expertise.
3. Uniform officers shall pursue preliminary investigations to the full extent of their available time and investigative training. In most minor crimes, uniform officers should assume responsibility of the crime scene and conduct any on-scene and follow-up investigation necessary.
4. The preliminary investigation shall, whenever practical, be completed by the end of the shift in which it occurs.

**B. Felony Cases**

1. Immediate Notification of Investigations Bureau Personnel

- a. IB personnel shall be immediately notified if there is a need for immediate investigation at the crime scene, via a request from the uniform officer's supervisor, as circumstances dictate. Requests for investigative assistance at the crime scene shall be based, primarily, on the following factors:
    - i. The seriousness or complexity of the crime.
    - ii. A "hot" lead that requires immediate attention.
    - iii. The dangerousness of the crime scene.
    - iv. The level of the uniform officer's expertise in crime scene processing and the availability of appropriate crime scene processing equipment for photography, evidence collection, and related tasks.
    - v. A belief that the crime may be linked to a more serious crime.
  - b. IB personnel shall assume responsibility for oversight and completion of investigations of all major crime scenes as defined by the IB commander. The case agent and the first line supervisor in charge shall have authority to establish priorities and make decisions regarding witnesses and suspects, recording of statements and collection of physical evidence, making on-site arrests, applying for warrants, and all other activities relevant to a comprehensive investigation of the incident.
  - c. A supervisor may assign patrol officers to assist Investigations Bureau personnel in certain circumstances. In such instances, these officers will report to the case agent in charge.
  - d. All uniform reports will be forwarded to the IB supervisor for approval unless directed otherwise.
2. Mandatory Case Referral
- a. Cases of significant seriousness or cases requiring specialized skills or training to investigate shall be referred to the Investigations Bureau for follow-up investigation.
  - b. Examples of cases requiring referral include but are not limited to:
    - i. Homicide.
    - ii. Child abduction/missing children cases when foul play is suspected.
    - iii. Criminal sexual penetration involving great bodily harm or serious bodily harm.
    - iv. Child abuse cases involving criminal sexual penetration, great bodily harm, or serious bodily harm.
    - v. Criminal exploitation of children.
    - vi. Internet/computer crimes against children.

- vii. Aggravated battery cases resulting in great bodily harm and/or perpetrated with a deadly weapon, e.g. firearm, knife.
- viii. Pursuits and fleet crashes involving death or great bodily harm. In areas where there exists a Multi-Jurisdictional Police Crash Investigation Team or equivalent, the team will still respond to these incidents as well and should be called out/notified by the supervisor originally notified.
- ix. Complex white collar crime cases.

### 3. Felony Case Referral/Adoption Process

- a. Uniformed officers, in concurrence with their supervisor, will make an assessment as to the need for IB assistance based on the criteria listed above. If the case does not meet the criteria above, the factors below may also be considered for a referral.
  - i. Seriousness or complexity of the offense
  - ii. Resources/personnel immediately needed, e.g., fugitive situations, evidence preservation, multiple scenes, multiple victims/suspects/witnesses, jurisdictions, etc.
- b. The uniformed supervisor will contact the on-call IB supervisor and provide a synopsis of the case and resources needed, e.g., crime scene processing, interviews, interrogations, and/or the need to turn the case over to IB.
- c. Both IB and Uniform should take into account the following when deciding who will continue the investigation of a felony case:
  - i. Uniform officer's training and experience.
  - ii. Technical expertise needed, e.g., crime scene processing, forensic computer analysis, etc.
  - iii. Manpower issues for both Investigations and Uniform.
  - iv. Location and extensiveness of investigative follow-up.
- d. If the IB and Uniform supervisor concur that the case is to be adopted by IB, it will be decided exactly when IB will take over the case. Once decided, the following will take place:
  - i. The IB supervisor will assign a case number to the case and relay it to the Uniform supervisor.
  - ii. The IB supervisor will convey any immediate tasks that need to be completed by the on-scene officer(s).
  - iii. The following shall be included by the reporting uniformed officer in the initial report:
    - a. The date and time the officer was advised IB was adopting the case, who advised the officer, and the name of the IB supervisor adopting it.

- b. The 'CASE REFERRED TO' block on the report will be filled in with the adopting IB supervisor's name and date it was referred.
  - iv. After the officer's initial investigative report is approved by a first line supervisor, the first line supervisor shall print a hard copy of the report and prepare a case file, including all attachments pertinent to the case, and turn over the case file to the IB supervisor adopting the case. The uniform supervisor will also complete a Felony Case Review and Referral Form that will become a permanent part of the case file.
  - v. The IB supervisor will review the case file for completeness and accuracy, request any missing items, and sign off on the Felony Case Review and Referral Form. A copy of the form will be provided to the initial responding officer for his/her file. The Uniform and IB supervisors shall keep their superiors informed of every case referral.
4. Felony Case Assistance Process

If the IB and Uniform supervisors concur that IB needs to assist in the case, the following will take place:

- a. The IB supervisor will assign a case number and convey it to the Uniform supervisor.
- b. The IB supervisor will convey information about immediate tasks requiring completion by the on-scene officer(s) and resources being sent by IB.
- c. The reporting Uniform officer shall include in the report, the date and time the officer was advised IB was assisting in the case, which agents and/or teams responded, and their arrival times.
- d. After the officer's initial report is approved by the first line supervisor, the first line supervisor shall print a hard copy of the report and prepare a case file, including all attachments pertinent to the case and refer the case file to the IB supervisor for input, if any.
- e. If the case file needs to be referred back to the officer for follow-up, the case shall be referred back to the officer through the Uniform supervisor approving the report.
- f. Uniform officers working investigations not adopted or assisted by IB are encouraged to confer with IB agents, through their supervisor, to discuss the case and receive guidance/input.

**Note:** Any misdemeanor investigation being handled by the Investigations Bureau shall be managed in the same manner as a felony case.

### C. Supervisory Reviews

- 1. Daily Review
  - a. The Telecommunications supervisor is responsible for ensuring that during a specific time each day, the CAD Desk Log for the previous day is archived and sent to all Uniform and IB supervisory personnel.

- b. Supervisors are responsible for reviewing the desk log each day, and noting specific incidents from that desk log that may require further scrutiny, as well as conducting any follow-up as necessary and appropriate.
2. Monthly review
- a. Supervisors are required to review all current and pending misdemeanor and felony cases being investigated by their officers on a monthly basis.
  - b. Supervisors shall monitor the performance of the investigating officers and provide guidance and input with respect to cases.
  - c. Supervisors shall monitor the caseload of their respective officers. If an officer needs to be put on special assignment or provided overtime to complete cases, the supervisor will make the necessary schedule/shift adjustments to facilitate this. Supervisors shall document case reviews and keep copies in working files for each of their subordinates.
3. All first line supervisors shall maintain an up-to-date case assignment log, documenting the status of each case and the type of report generated based on the definitions below. First line supervisors shall conduct a monthly audit of the case status log to ensure proper investigative follow-up and disposition.
- a. **Closed:** The case has been adjudicated and all evidence has been destroyed, the prosecuting entity has declined prosecution, or it was determined through the investigation that the offense did not occur.
  - b. **Inactive:** The investigation has been completed and turned over to the prosecuting entity for review and/or prosecution or all potentially fruitful leads have been exhausted and not enough evidence exists for prosecution. An investigation may be reactivated and assigned to an investigator's active caseload if sufficient new leads develop.
  - c. **Open:** An ongoing, active investigation or an investigation that has exhausted all leads, but the possibility remains that new facts may come to light given ongoing inquiry.
  - d. **Initial:** First report submitted by the officer/agent for an assigned investigation.
  - e. **Supplemental:** Any subsequent report submitted by an officer/agent following the initial report or any report submitted by an assisting officer/agent that supplements the initial report.

### D. Follow-Up Investigations

- 1. Uniform officers or agents conducting follow-up investigations shall review the preliminary investigation, to included previous reports, departmental records, and results from any laboratory tests. The officer/agent shall then determine what additional investigative activities are required. These activities must be prioritized and may include, but are not limited to, any or all of the following in the order deemed appropriate:
  - a. Identify and apprehend suspects.

- b. Enter wanted persons, stolen vehicles, and serially numbered stolen property into NCIC.
- c. Conduct initial or follow-up interviews with witnesses and suspects.
- d. Investigate suspect's possible involvement in other crimes.
- e. Interrogate suspect(s).
- f. Search for new witnesses.
- g. Complete background checks on witnesses, victims, and suspects, as appropriate.
- h. Conduct surveillance, and identification procedures.
- i. Present evidence and statements to the prosecutor's office to obtain arrest or search warrants.
- j. Prepare and execute search or arrest warrants.
- k. Attend and retrieve evidence at autopsies.
- l. Prepare cases for court presentation, including development of exhibits for presentation, including latent/patent fingerprint charts, crime scene sketches, and photographs.
- m. Make notifications and coordinate with other jurisdictions or governmental law enforcement agencies.
- n. In major cases potentially involving multiple jurisdictions, activate lead tracking systems, e.g., FBI's Rapid Start.
- o. Search for and recover stolen property.
- p. Submit items for forensic examination.
- q. Arrange for polygraph examinations.
- r. Seek additional information from other officers, informants, contacts in community, and other investigators and agencies.
- s. Identify recent releases in the community. Seek additional information from police agency records regarding suspects, witnesses, or past incidents at/or near the location of the crime.
- t. Seek additional information from records, including motor vehicle driver's licenses, social security, occupational licenses, records from other law enforcement agencies, newspapers, employee records, and credit files.
- u. Track the source of all firearms involved and enter ballistic information in the national databases.
- v. Coordinate with departmental and regional intelligence databases.



- w. Notify victims and witnesses when their presence is required in court, as appropriate.
- x. Keep victims of crimes and assisting officers informed of the status of investigations, as appropriate.
- 2. The use of any technical aids, such as polygraphs, in a criminal investigation shall be in accordance with state law.
- 3. Agents will identify any cases being handled in which a party in the case is a designated habitual offender as defined in state statute 31-18-17 – 31-18-20 NMSA 1978. In those the Agent should contact the District Attorney's Office in that jurisdiction and notify them of the individual's status.

### **E. Case Assignments**

- 1. Supervisors shall assign cases based on their seriousness, complexity, and the presence of solvability factors.
- 2. First line supervisors shall assign necessary manpower to investigate cases based on criteria that includes the following:
  - a. Suspect in custody.
  - b. Suspect named or known.
  - c. Unique suspect identifiers.
  - d. Vehicle in custody.
  - e. Unique vehicle identifiers.
  - f. General suspect description.
  - g. General vehicle description.
  - h. Unique MO or crime pattern.
  - i. Significant physical evidence.
  - j. Traceable stolen property.
  - k. Witnesses.
- 3. Investigation of minor property crimes will not be conducted or will be discontinued when sufficient solvability factors are not available. In such cases, victims shall be informed of the departmental policy on this matter and its rationale and be provided with a copy of the crime report for insurance claims.
- 4. When a case is assigned, the frequency of follow-up reports shall be established. This determination shall be based on the severity of the crime and the overall caseload of the officer/agent assigned. Cases shall remain open as long as leads are not exhausted and resources are not needed on more serious cases. A case will remain open if one of the following exists:
  - a. Suspect information is known.



- b. Physical evidence is being processed.
  - c. Vehicle description and license plate information is known.
  - d. Identifiable stolen property.
  - e. Recognizable crime pattern involving several crimes.
5. Each case shall be assigned a unique case number. Initial and supplemental reports will be filed with the Law Enforcement Records Bureau. Every report related to the same case will be filed under the same case number.
6. Investigative files should contain the following information, at a minimum:
- a. Copy of initial investigative report and any supplemental reports.
  - b. Records of statements.
  - c. Results of physical examinations of evidence.
  - d. Case status reports.
  - e. Other reports and records needed for investigative purposes.
7. Files should be maintained on all investigations in which investigative activities are ongoing. Case files shall be maintained in a location accessible only to the case investigator and his/her supervisory personnel. Any other access shall be at the discretion of the case investigator and/or supervisory personnel.
8. Case files shall be maintained and purged in a manner consistent with state law.

#### **F. Use of Informants**

1. In order for department employees to use paid informants, the following guidelines must be met:
- a. The informant must be properly documented.
  - b. The following information, at a minimum, shall be obtained from the informant and maintained in a master file in a secure location:
    - i. Biographical and background information, to include criminal history, if any, as well as the code name and number assigned to the informant.
    - ii. Photographs of the informant.
    - iii. Fingerprints of the informant.
    - iv. The code name and number assigned to the informant.
    - v. The master files shall be maintained in a secure location to protect the identity of the informant.
2. The Investigations Bureau of the department shall observe the following procedures for the use of confidential informants. The procedures include:

- a. **Criteria for paying informants:** In each and every instance in which an officer/agent pays an informant it shall be necessary for the officer/agent to complete a New Mexico State Police Agent's Daily Contingency Expenditure Report, otherwise known as a "C" Receipt. An informant must agree to sign a "C" Receipt before any monies are disbursed. Another State Police Agent or Certified Law Enforcement Officer shall witness each payment of confidential funds to an informant.
  - b. **Precautions to be used when dealing with informants:**
    - i. If the person has worked in the past as an Informant, the designated individual will give the requesting officer/agent the name of the officer/agent that had previously signed him up and the Confidential Informant Number assigned to the person.
    - ii. The officer/agent will contact the officer/agent that first signed the person up as an Informant and ascertain if there were any problems, events or circumstances with that informant during his tenure with the initial officer/agent.
    - iii. Based on the information obtained, the requesting officer/agent will make the determination to use or not to use the Informant. If he/she is to be used, the officer/agent will inform the Informant Monitor and use the original Confidential Informant Number on all associated paperwork.
  - c. **Special precautions and/or restrictions to be observed when dealing with juvenile informants:** Under no circumstances will a person under the age of 18 be used as an Informant.
- 3. Tradition and propriety dictate that law enforcement officers give due and proper protection to those persons who furnish them with information upon a confidential basis. Accordingly, agents shall refrain from revealing the identities and addresses of their confidential informants, unless done so to Investigations Bureau supervisors/agents. The only report in which an informant shall be referred to by name is the Informant Background Form; in all subsequent reports only informant number shall refer to the informant.
  - 4. The Uniform Bureau within the department shall adhere to the guidelines outlined in this policy and the confidential informant procedures when using paid informants. Informants shall be turned over to Investigations Bureau supervisors/agents so they can be documented and managed by the Informant Monitor.

### **G. Interview and Interrogations Rooms**

- 1. Rooms designated for conducting interviews and/or interrogations shall be equipped in such a way as to provide safety and security for the interviewer and the interviewee.
- 2. Consideration should also be given by the interviewer to address issues of weapons control/security during the interview/interrogation. This may include, but not be limited to, locking a weapon in an office or desk drawer prior to conducting the interview.

3. The interview/interrogation room shall be equipped so that assistance can be readily requested by the interviewer, e.g., telephone, radio, or two-way mirror.
4. Only those items/equipment necessary to accomplish the law enforcement objective shall be in the room.
5. The interview/interrogation room should be located in such a manner as to provide access to restrooms and drinking water. The room is not required to be within immediate access of these amenities.
6. Only the numbers of interviewers necessary to accomplish the law enforcement objective are allowed in the interview/interrogation room during an interview/interrogation.

### H. Special Investigations

#### 1. Identity Theft Investigation/Reporting

Identity crime is a rapid growing and the most serious economic crime in the country. Identity crime is the number one source of consumer fraud as reported to the Federal Trade Commission (FTC). Federal and New Mexico laws regarding this crime are as follows;

##### a. Legal Prohibitions

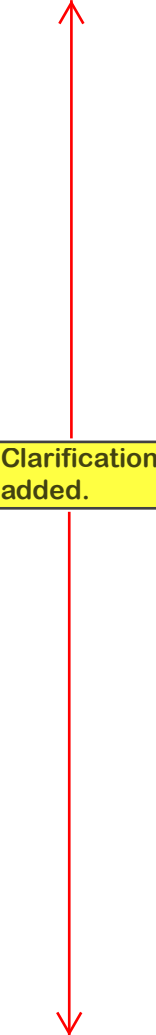
- i. *Identity Theft and Assumptions Deterrence Act of 1998*: Identity Crime is punishable under federal law “when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law.”
- ii. *Fair and Accurate Credit Transactions Act (FACT Act or FACTA) of 2003*: Establishes requirements for consumer reporting agencies, creditors, and others to help remedy damages resulting from identity crimes. The FACT Act requires local law enforcement agencies including the Department of Public Safety and the New Mexico State Police to provide police reports to victims of identity theft.
- iii. *Identity Theft Penalty Enhancement Act of 2004*: Amends the Federal criminal code to establish penalties for the crime of “aggravated identity theft.”
- iv. *NMSA 1978 30-16-24.1 Theft of Identity*: Theft of identity consists of willfully obtaining, recording or transferring personal identifying information of another person without the authorization or consent of that person and with the intent to defraud that person or another or with the intent to sell or distribute the information to another for an illegal purpose.

b. Identity theft, an element in identity crime, is a federal and state criminal act that is always a precursor to the commission of other crimes. Because of this, investigations into identity theft shall be conducted to the fullest extent possible.

c. The following procedures will be followed by an officer/agent when taking an identity theft report:

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- i. An assessment of the facts, circumstances, and jurisdiction of the incident will be made by the initial investigating officer/agent. Relevant information includes, but is not limited to the following:
    - a. Obtain as much information that identifies the victim including date of birth, social security number, drivers' license number, other photo identification, current and prior addresses, telephone numbers, and email addresses.
    - b. Find out the nature of the identity crime committed in the victims name such as when and how it was discovered, what information was used, how the victim information was obtained and what financial institutions or related entities are involved.
    - c. Document what types of personal identifying information may have been used such as social security number, drivers' license number, birth certificate, credit card numbers, etc. and whether any of these have been lost or stolen.
    - d. Find out if the victim has allowed anyone else to use his or her personal name and information and document the circumstances.
    - e. Find out whether the victim knows or thinks that a specific person(s) has used his/her identity to commit fraud or other crimes and obtain the suspects information.
    - f. Discuss with the victim if they are willing to assist in the prosecution of any suspect who may be identified in the investigation of the crime.
    - g. Find out if the victim has reported the crime with any other agency and if they may have any other documentation supporting their claim of identity theft.
  - ii. If the determination is made that there is jurisdiction as well as sufficient facts and circumstances to warrant a criminal investigation then one will be carried out.
  - iii. If the determination is made that a criminal investigation is not warranted, or if the victim is simply requesting police documentation of the matter, the incident will be documented in an offense/incident report pursuant to DPS policy.
  - iv. If the case is referred to the Investigations Bureau by the Uniform Bureau it will be screened by an IB supervisor utilizing the same criteria as listed on page 2; Section B. Felony Cases.
  - v. The IB supervisor will ensure that any identity theft investigations referred by the Uniform Bureau have been documented in an offense/incident report making an assessment of the case.
- d. Investigating officers/agents shall cooperate with other law enforcement jurisdictions, as necessary, to share information and successfully resolve identity theft investigations. To do this the following procedures should be followed:

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- i. The investigating officer/agent assigned to the case shall first determine the original location of the crime, and then evaluate whether other federal or state agencies should be involved or included in the investigation.
- ii. Once this has been determined, the investigating officer/agent should then coordinate any required assistance from these or other agencies, as necessary.
- iii. Officers/agents will also provide assistance, as requested or necessary, to other agencies similarly coordinating identity theft investigations encompassing New Mexico State Police jurisdiction.
- e. Investigating officers/agents shall provide the victim with information on obtaining a copy of the report and information, as is available, to assist in bringing the incident to resolution. For further information on victim assistance please refer to *PRS: 28 Victim/Witness Assistance*.
- f. *31-26-15 Identity theft passport; database NMSA 1978 requires that* selected victim information along with a copy of offense/incident reports regarding Identity Theft shall be provided to the office of the New Mexico Attorney General.
  - i. This information and report will be submitted by the Records Bureau to the Attorney General's Office who will maintain it in a database of identity theft victims so as to provide an Identity Theft Passport to victims. The passport will contain a picture of the person to whom it was issued and other information as deemed appropriate by the Attorney General. This passport shall be accepted as evidence of identity by officers.
  - ii. Investigating officers/agents shall properly indicate on the offense/incident report that the report involves **Identity Theft**.
- g. The victim or any member of the public shall be directed to the New Mexico Attorney General website at <http://www.nmag.gov/office/student/identitytheft.aspx> to access information on identify theft and prevention and to obtain a copy of an Identity Theft Prevention and Repair Kit. Further information on the prevention of identity theft can be located on the Federal Trade Commission website located at [www.ftc.gov/bcp/edu/microsites/idtheft/](http://www.ftc.gov/bcp/edu/microsites/idtheft/).
- h. Uniform officers are encouraged to consult with the Investigative Bureau for investigative assistance relating to identity theft.

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### 2. Cold Case Investigations

- a. For purposes of this policy, a cold case is defined as the investigation of a major felony criminal act for which there is no statute of limitations established by state law and one where all investigative leads have been exhausted and the investigation did not result in the identification or location of suspects and more than twelve (12) months have passed without any developments or prosecution.
- b. Supervisors have the option of reassigning these cases to other officers/agents/investigators. This decision may be based on, but not limited to, the following:

- i. Solvability.
    - ii. Concerns over the initial investigation.
    - iii. Other issues related to the investigation.
  - c. Supplemental reports shall be regularly submitted updating the status of the case and documenting any information gained during that time period.
3. Investigation of Vice, Drug and Organized Crime Activities
- a. Complaints received in the field relating to vice, drugs, and organized crime shall be investigated through the normal investigative process. All complaints should be investigated to the fullest extent possible. The following procedures should be followed when receiving and processing these complaints:
    - i. Any complaints received by the Uniform Bureau in reference to these activities shall be forwarded to the Investigations Bureau or the Special Investigations Division based on the type of complaint.
    - ii. The investigative entity (IB or SID) receiving the complaint will determine if it should be referred to or shared with outside agencies, e.g., local police department, FBI, etc.
  - b. The investigative entity receiving the complaint will evaluate the information provided and conduct such investigation as deemed appropriate by the bureau commander, division commander, or their designee.
  - c. The commander, or designee, of the investigative entity receiving the complaint, shall reduce the complaint to writing using the DPS Investigative Request Form.
  - d. Once the complaint has been referred, the investigation and any reporting completed shall be in accordance with state law and/or section policies.
  - e. Should the investigation reveal information causing the complaint to be referred to an outside agency for further investigation, e.g., FBI, ICE, etc., the referral will be documented on the DPS Investigative Request Form.
  - f. Information obtained from outside agencies will be handled in the same manner as a normal complaint.
  - g. A file will be maintained by the DPS investigative entity which either conducted the investigation or was forwarded the DPS Investigation Request Form. This file will include any complaints conveyed to or received from outside agencies. These forms will be stored, maintained, and purged in accordance with state law.
  - h. Access to these types of reports, generated while an investigation is active and on-going, will be limited to “authorized personnel only” through the CJIS-NMIBRS system. This feature is an added level of security due to the sensitive nature of vice, drug, and organized crime types of investigations.
  - i. In the event an officer/agent, in concurrence with his/her supervisor, deems the information contained in an offense/incident report is of a highly sensitive and/or confidential nature, access to the report can be limited to select members of the



department. The state police chief shall have access to these reports, as deemed necessary and appropriate.

- j. The State Police Chief may be briefed on these types of investigations upon request, or at the discretion of the bureau or division commander, or their designee. These briefings may be included in the weekly reports from each investigative entity or in specific departmental correspondence.

### **I. Surveillance and Undercover Equipment**

1. The Investigations Bureau shall maintain equipment for use in surveillance and undercover operations.
2. This equipment shall be made available to all divisions under the Law Enforcement Program and shall be issued according to section policy.
3. Any specialized or technical equipment requiring additional training or expertise shall be operated by a person qualified to do so.
4. The Investigations Bureau may elect to train employees in the use of the equipment in lieu of requiring its agents to accompany and operate the equipment. The bureau will determine what level of training and/or expertise is deemed necessary to operate the equipment.
5. Supervisors will be responsible for all surveillance and undercover equipment, unless they deem it necessary to issue specific items to the agents under them. All issuance of equipment should be documented on the appropriate departmental forms.
6. In the event that any surveillance and/or undercover equipment is lost, worn, or broken the officer/agent to which the equipment was issued shall notify their immediate supervisor immediately and complete the appropriate departmental forms.

### **J. Surveillance, Undercover, Reversal, and Raid Operations**

1. Surveillance, undercover, and reversal operations shall be conducted according to Investigations Bureau policies.
2. Raid operations
  - a. Raid operations that are anticipated to be high-risk should be carried out by the State Police Tactical Team. Refer to *OPR:22, State Police Tactical Team* policy for information on capabilities and team activation.
  - b. All raid operations shall include a comprehensive operations plan which has been approved by the investigator's supervisor, or his/her designee. The operations plan shall include, but not be limited to:
    - i. Clear identification of all assignments, as well as the personnel carrying out those assignments.
    - ii. Contingency plans for breakdowns that may occur during the main operation.



- iii. Photographs and/or drawings/floor plans of the area in which the operation will be taking place. In the event the operation is going to take place in several different locations, the operations plan shall include photos/drawings of the subsequent locations.
  - iv. A clear explanation of the issue concerning communications.
  - v. A clear explanation addressing the issue of requesting/availability of emergency medical services.
  - vi. Contingency plans for extended operations and the need/availability of replacement personnel.
  - vii. A subject's propensity/potential for violence, as well as whether or not the subject is believed to be armed and dangerous.
- c. The case agent/investigator shall conduct a briefing with all assigned personnel prior to the actual operation. This briefing is mandatory for all personnel involved in the operation.
  - d. The operation supervisor shall ensure all participants are prepared with the proper uniforms and equipment to carry out their assignments, i.e., raid jackets (vests), body armor, etc. Personnel directly involved in an arrest situation shall ensure uniforms are plainly marked to be immediately distinguishable as law enforcement personnel.
  - e. If possible, an effort should be made to utilize Uniform personnel in making physical arrests and in situations when a traffic stop may become necessary to affect an arrest.
  - f. The case investigator shall conduct a debriefing following the conclusion of the operation. The debriefing shall involve an in-depth critique of factors experienced during the operation. The purpose of which is to improve future operations.

### 7.0 ATTACHMENTS

**A. DPS Preliminary Investigations Checklist**

**B. DPS Investigative Request Form**

**C. Felony Case Review and Referral Form**

### 8.0 APPROVAL

**APPROVED BY:** s/ Gorden E. Eden Jr. **DATE:** November 6, 2012  
DPS Cabinet Secretary